

OPINION

by professor Georgi Ivanov Mitov, Dr. Habil., Sofia University "St. Kliment Ohridski ", Faculty of Law, Department of Criminal Law

Member of the scientific Jury in the competition of the New Bulgarian University for the occupation of the academic position Associate Professor in the field of higher education 3. Social, business and legal sciences, professional field 3.6. Law (Criminal Law and EU Criminal Law), published in State Gazette, issue 83 of 22 October 2019

Dear members of the Scientific Jury,

Chief Assistant Professor Dr. Ralitsa Svetlozarova Kostadinova is the only candidate in this competition for the academic position "Associate professor".

I. Assessment of compliance with the minimum national requirements and requirements of New Bulgarian University

Evident from the self-assessment report submitted for the competition Chief assistant professor Dr. Ralitsa Svetlozarova Kostadinova has fulfilled the minimum national requirements and the mandatory requirements of the New Bulgarian University for the occupation of the academic position of "Associate Professor". In total, the candidate has 1 330 points.

II. Research (creative) work and results

A) Assessment of the monograph presented in the competition– Suspended sentence in Bulgarian Criminal law. S.: Publishing House of NBU, 2019, 280 p. ISBN 978-619-233-068-2.

I have been instructed by the jury to give an opinion on the monograph. Therefore, I will confine myself to a general assessment of the work, its main contributions and the correspondence of the contributions indicated by the applicant in the competition documentation with the content of the monograph.

1. The topic of the study is extremely important given that courts widely apply conditional release from servicing the imposed sentence (conditional sentence). This requires theoretical elucidation and clarification of the nature and peculiarities of this institute. The lack of a complete academic research on the topic makes the work particularly useful for the legal doctrine and practice. That is a contribution in its own and will help fill the void in our legal literature. The conclusions reached in the

monograph will also help resolve some complex practical issues and clear out ambiguities in the practice of law. This attaches certain practical importance to the research work.

2. The monograph consists of 280 pages, including content, list of abbreviations, annexes and bibliography. The bibliographic reference contains 205 publications - 172 in Cyrillic and 33 in Latin. There are 603 footnotes.

The book is organized in introduction, four chapters, conclusion, 7 appendices, bibliography and summary and content in English. The work follows a classic narrative structure - each chapter is divided into paragraphs, which group by topic the questions related to the subject of the study. They are divided into separate parts, which are numbered. Each chapter ends with a summary of the conclusions reached in the analysis of the relevant problems.

3. In terms of structure, the work is properly and logically arranged, the parts being proportionate and the issues discussed consequently examined.

a) In the introduction, the author argues for the relevance of the topic, formulates the scientific tasks of the research and indicates the structure of the research.

b) Chapter One deals with the historical and legal development of the suspended sentence institute in Europe and in Bulgaria. The different stages of its development are distinguished.

It is clarified that in its legal nature the suspended sentence in Bulgarian criminal law is a type of delayed execution of imprisonment, whereby the sentenced person is put to probation for a certain period of time.

Suspended sentence is compared with other forms of conditional or unconditional release from serving the imposed punishment and the possibility of moralizing influence on the sentenced person.

c) Chapter Two discusses the prerequisites for imposing suspended sentence. After classifying the prerequisites, the author analyzes the type and length of the sentence imposed, the offender's criminal record as a prerequisite for delaying the execution of the sentence and the possibility of achieving the goals of the punishment - special prevention for the sentenced person.

Abundant case-law and an in-depth comparative analysis of foreign law are used in this part of the study to explore and justify the proposals made to improve the law in this area.

d) Chapter Three deals with the suspended sentence regime. The author introduces and give reasons for the term "suspended sentence regime" to be used for the probationary period set to delay the imposed punishment, its duration, the activities to be carried out during this period and the consequences in case they are violated or a new crime is committed. This can be pointed out as a separate contribution to the legal doctrine.

e) Chapter Four adds an interesting perspective to the study. It examines the

problems related to the transfer of probation measures during the probation period in the European Union.

4. In addition to the contributions pointed out above, I would like to make clear that I acknowledge the contributions listed by the candidate in the application documents. They reflect precisely the results and summaries made in the separate chapters of the monograph.

The monograph shows a long-term scientific research and efforts based on a thorough knowledge of the issues discussed, encompassing Bulgarian and foreign legal literature and significant case law. As a result, the author has come to original and well-founded conclusions and summaries and has managed to build a comprehensive and complete model of the suspended sentence institute and to advance many suggestions *de lege ferenda* for improving the institute. Some of these proposals can be fully supported while others are controversial and require a more reasoned and comprehensive analysis of the impact of the respective changes.

The research and its conclusions are important not only for enriching the theory, but also for supporting law-making and law enforcement in the practice of the judiciary and the probation services.

The work is readable and properly structured, which makes it easy to use. The views supported are substantiated and display the author's position. The debate is appropriate and scientifically correct. The author convincingly defends her views and criticizes certain standpoints of the legal doctrine in accordance with the applicable academic standards. The bibliographic sources are correctly cited - the publications of other authors on the topic are fully cited and have actually been used to substantiate statements and views.

B) Assessment of contributions in other publications made after the appointment at the academic position "Chief Assistant Professor".

The candidate has submitted 1 study (published abroad), a co-authored study book in four editions and 26 articles on issues other than the topic of her dissertation work.

They prove the wide range of scientific interests of Chief Assistant Professor Dr. Ralitsa Kostadinova and her in-depth approach to the study of various issues in the theory and practice of criminal law.

C) The citations by other authors list includes 26 citations in the national and scientific literature.

III. Lecturing and teaching activities

In 2001 Ralitsa Kostadinova started working at the New Bulgarian University after winning a competition for "assistant" in Criminal law. Gradually she moved through the academic positions of "senior assistant" and "chief assistant".

Since then she has been teaching class and extracurricular courses in the Master's program in Law and in other programs at New Bulgarian University. She meets all NBU working load requirements.

After obtaining her educational and scientific degree Doctor of Criminal Law in October 2011 she actively participates in improving the programs by offering and developing new courses for the Department of Law and the Department of National and international security at the New Bulgarian University in the area of law and crime prevention.

In 2015 she introduced European Union Criminal Law course and currently teaches it as an elective course.

All courses taught by Chief Assistant Professor Ralitsa Kostadinova are provided with study materials through the NBU Moodle platform. Each course is supported by a presentation with detailed content, links and additional materials in accordance with the requirements of the New Bulgarian University. She is co-author of the manual "Criminal Law in Schemes and Definitions".

She also is in charge of the students' study group in Criminal law.

IV. Administrative and social activity

Chief Assistant Professor Ralitsa Kostadinova has been involved in administrative activities at the New Bulgarian University as a director of the Law Program for a period of 10 years. She was member of the Accreditation Committee at the Master's Faculty for a period of 5 years and a member of the NBU Library Council.

She has been member of the Bulgarian Association of Criminology since 2013.

She has been editor-in-chief of the Law Journal of NBU since 2018. She established and is member of the editorial board of the Law Journal of NBU. She also is member of the editorial board of Studies in the Field of Law and Politics. Miscellanies", a publication of the Faculty of Law, Administration and Economics of Kujawy and Pomorze University in Bydgoszcz .

V. Personal impressions of the candidate (if any)

I have known Ralitsa Kostadinova since her student years. Even then, she was distinguished for her perseverance, hard work and pursuit of knowledge.

In her relations with colleagues she is correct, responsive, trying to help everyone, for which she enjoys the respect of others.

She manifests these personal qualities in her work with students as well and is therefore loved by them. This is proved by her announcement for "Favorite Teacher" at the 2013 law students' graduation.

Conclusion

Based on the above said, I believe that the research and teaching activities of Chief Assistant Professor Dr. Ralitsa Svetlozarova Kostadinova are at a high level, and therefore I express a positive assessment of her application.

This gives me reason confidently to suggest to the scientific jury to take a decision proposing that the Academic Council elect Chief Assistant Professor Dr. Ralitsa Svetlozarova Kostadinova for the academic position "Assistant Professor" at New Bulgarian University in the professional field 3.6. Law (Criminal Law and EU Criminal Law).

Sofia
25.02.2020

Opinion given by:
prof. Dr. Habil. Georgi Mitov